

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Michael B. George

Docket No. 5:14-MJ-1119-1

Petition for Action on Probation

COMES NOW Van R. Freeman, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Michael B. George, who, upon an earlier plea of guilty to 18 U.S.C. §13, assimilating NCGS 20-138.1, Driving While Impaired Level 2, was sentenced by the Honorable Kimberly A. Swank, U.S. Magistrate Judge, on June 11, 2014, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
2. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
3. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until privilege to do so is restored in accordance with law.
5. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 7 days as arranged by the probation office.
6. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Michael B. George
Docket No. 5:14-MJ-1119-1
Petition For Action
Page 2

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant is currently undergoing mental health treatment, in addition to his Driving While Impaired treatment. He reports significant anxiety issues regarding serving his 7-day jail term. As an alternative to the jail term, we suggested that he agree to remote alcohol monitoring for 90 days, as provided by NCGS 20-179(h). The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision. We would recommend his conditions be modified to replace the jail term with remote alcohol monitoring. In addition to resolving his issues regarding the jail term, we will also be able to more closely monitor him for relapse.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall abide by all terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for a period not to exceed 90 consecutive days.
2. The condition imposing a 7 day jail term be stricken.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Van R. Freeman, Jr.
Van R. Freeman, Jr.
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: October 17, 2014

ORDER OF COURT

Considered and ordered this 3rd day of November, 2014, and ordered filed and made a part of the records in the above case.



Kimberly A. Swank
U.S. Magistrate Judge